

326 IAC 2-1.1-3 Exemptions

Authority: IC 13-14-8; IC 13-15-2; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 3. (a) Operation of a source that consists solely of emission units, operations, or processes identified in this section is exempt from the registration and permitting requirements of this article unless the potential to emit any regulated pollutant from the entire source exceeds an emission threshold establishing the requirement to have a registration or permit under this article.

(b) *(Voided by P.L. 112-2000, SECTION 7, effective March 16, 2000.)*

(c) The new source requirements of 326 IAC 2-5.1-2 for registrations and 326 IAC 2-5.1-3 for permits, including the requirement to submit an application, do not apply to new sources as follows:

(1) New sources that obtain and comply with one (1) of the following enforceable operating agreements under 326 IAC 2-9:

(A) 326 IAC 2-9-2.5 or 326 IAC 2-9-3 for surface coating operations.

(B) 326 IAC 2-9-4(b) through 326 IAC 2-9-4(d) and 326 IAC 2-9-4(f) for woodworking operations.

(C) 326 IAC 2-9-5 for abrasive cleaning operations.

(D) 326 IAC 2-9-7(b)(1) for sand and gravel operations.

(E) 326 IAC 2-9-8(b)(1) for crushed stone processing plants.

(F) 326 IAC 2-9-9 for concrete batch operations.

(G) 326 IAC 2-9-10 for coal mines and coal preparation plants that have provided public notice under 310 IAC 12-3-106 and included a reference of the application for an operating agreement in such notice.

(H) 326 IAC 2-9-11 for automobile refinishing operations.

(I) 326 IAC 2-9-12 for degreasing operations.

(2) New sources that comply with the limitations set forth in 326 IAC 2-11.

(3) New sources eligible for and obtaining a general permit that includes emissions limits that are less than the applicability thresholds in 326 IAC 2-5.1-2 and 326 IAC 2-5.1-3.

(4) New sources with the potential to emit less than ten (10) tons per year of a single hazardous air pollutant (HAP), as defined under Section 112(b) of the Clean Air Act, or twenty-five (25) tons per year of any combination of HAPs, and not otherwise required to apply for and obtain a registration or permit.

The exclusion from the new source requirements of 326 IAC 2-5.1-2 for registrations and 326 IAC 2-5.1-3 for permits under subdivisions (1) through (3) shall only apply to those rules and rule sections that have been approved by the U.S. EPA as part of the state implementation plan (SIP).

(d) Except for modifications subject to 326 IAC 2-3, the new source requirements of 326 IAC 2-5.1-2 for registrations and 326 IAC 2-5.1-3 for permits, the modification approval requirements under 326 IAC 2-7-10.5, and the permit revision requirements under 326 IAC 2-6.1-6, 326 IAC 2-7-12, and 326 IAC 2-8-11.1, including the requirement to submit an application, do not apply to the following:

(1) New sources or modifications to existing sources that are proposed to be operated or constructed, that have the potential to emit less than the following amounts:

(A) Five (5) tons per year of either particulate matter (PM) or particulate matter with an aerodynamic diameter less than ten (10) micrometers (PM₁₀).

(B) Ten (10) tons per year of sulfur dioxide (SO₂).

(C) Ten (10) tons per year of nitrogen oxides (NO_x).

(D) Ten (10) tons per year of volatile organic compounds (VOC) for sources or modifications that are not described by clause (E).

(E) Five (5) tons per year of volatile organic compounds (VOC) for sources or modifications that require the use of air pollution control equipment to comply with the applicable provisions of 326 IAC 8.

(F) Twenty-five (25) tons per year of carbon monoxide (CO).

(G) Two-tenths (0.2) ton per year of lead (Pb).

(H) One (1) ton per year of a single hazardous air pollutant (HAP) or two and one-half (2.5) tons per year of any combination of HAPs listed pursuant to Section 112(b) of the CAA.

(I) Five (5) tons per year of the following regulated air pollutants:

(i) Hydrogen sulfide (H₂S).

(ii) Total reduced sulfur (TRS).

(iii) Reduced sulfur compounds.

(iv) Fluorides.

(2) Modifications of existing sources that consist of only an emissions unit or units or process or processes whose primary purpose is to conduct research and development into new processes and products, provided the modification:

(A) is operated under the close supervision of technically trained personnel;

(B) is conducted for the primary purpose of theoretical research or research and development into new or improved processes and products;

(C) does not manufacture more than de minimis amounts of commercial products;

(D) does not contribute to the manufacture of commercial products by collocated sources in more than a de minimis manner; and

(E) is not subject to 326 IAC 2-2 or 326 IAC 2-3.

(3) New sources or modifications of existing sources that consist of only a laboratory as defined in this subdivision. As used in this subdivision, "laboratory" means a place or activity, such as a medical, analytical, or veterinary laboratory, devoted to experimental study or teaching or to the testing and analysis of drugs, chemicals, chemical compounds or other substances, or similar activities, provided that the activities described in this subdivision are conducted on a laboratory scale. Activities are conducted on a laboratory scale if the containers used for reactions, transfers, and other handling of substances are designed to be easily and safely manipulated by one (1) person. If a laboratory manufactures or produces products for profit in more than a de minimis manner, it shall not be considered to be a laboratory under this subdivision. Support activities necessary to the operation of the laboratory are considered to be part of the laboratory. Support activities do not include the provision of power to the laboratory from emission units that provide power to multiple projects or from emission units that would otherwise require permitting, such as boilers that provide power to a source or solid waste disposal units, such as incinerators.

(4) New sources or modifications of existing sources that consist of only educational and teaching activities as defined in this subdivision. As used in this subdivision, "educational and teaching activities" means activities conducted at public and nonpublic schools and postsecondary educational institutions for educational, vocational, agricultural, occupational, employment, or technical training purposes provided the activities do not include the production of an intermediate or final product for sale or exchange for commercial profit or distribution. Support activities necessary to the educational and teaching activities are considered to be part of the educational and teaching activities. Support activities do not include the provision of power to the educational and teaching activities from emission units that provide power to multiple projects or from emission units that would otherwise require permitting, such as boilers that provide power to a source or solid waste disposal units, such as incinerators.

(5) New sources or modifications of existing sources that consist of only combustion related activities, including the following:

(A) Space heaters, process heaters, heat treat furnaces, or boilers described as follows:

(i) Natural gas-fired combustion sources with heat input equal to or less than ten million (10,000,000) British thermal units per hour.

(ii) Propane or liquified petroleum gas or butane-fired combustion sources with heat input equal to or less than six million (6,000,000) British thermal units per hour.

(iii) Fuel oil-fired combustion sources with heat input equal to or less than two million (2,000,000) British thermal units per hour and firing fuel containing equal to or less than five-tenths percent (0.5%) sulfur by weight.

(iv) Wood-fired combustion sources with heat input equal to or less than one million (1,000,000) British thermal units per hour and not burning treated wood or chemically contaminated wood.

(B) Equipment powered by internal combustion engines of capacity equal to or less than five hundred thousand (500,000) British thermal units per hour, except where total capacity of equipment operated by one (1) stationary source exceeds two million (2,000,000) British thermal units per hour.

(C) Combustion source flame safety purging on startup.

(D) Portable electrical generators that can be moved by hand from one (1) location to another. As used in this clause, "moved by hand" means that it can be moved without the assistance of any motorized or nonmotorized vehicle, conveyance, or device.

(E) Combustion emissions from propulsion of mobile sources.

(F) Fuel use related to food preparation for on-site consumption.

(G) Tobacco smoking rooms and areas.

(H) Blacksmith forges.

(I) Indoor and outdoor kerosene heaters.

- (6) New sources or modifications of existing sources that consist of only activities that dispense fuel, including the following:
- (A) A gasoline dispensing operation having a storage tank capacity equal to or less than ten thousand five hundred (10,500) gallons and dispensing less than or equal to one thousand three hundred (1,300) gallons per day. Such storage tanks may be in a fixed location or on mobile equipment.
 - (B) A petroleum fuel other than a gasoline dispensing facility, having a storage tank capacity less than or equal to ten thousand five hundred (10,500) gallons, and dispensing three thousand five hundred (3,500) gallons per day or less.
- (7) New sources or modifications of existing sources that consist of only the following VOC and HAP storage containers:
- (A) Storage tanks with capacity less than or equal to one thousand (1,000) gallons and annual throughputs equal to or less than twelve thousand (12,000) gallons.
 - (B) Vessels storing the following:
 - (i) Lubricating oils.
 - (ii) Hydraulic oils.
 - (iii) Machining oils.
 - (iv) Machining fluids.
- (8) New sources or modifications of existing sources that consist of only refractory storage not requiring air pollution control equipment.
- (9) New sources or modifications of existing sources that consist of only equipment used exclusively for the following:
- (A) Packaging of the following:
 - (i) Lubricants.
 - (ii) Greases.
 - (B) Filling drums, pails, or other packaging containers with the following:
 - (i) Lubricating oils.
 - (ii) Waxes.
 - (iii) Greases.
- (10) New sources or modifications of existing sources that consist of only the following:
- (A) Application of:
 - (i) oils;
 - (ii) greases;
 - (iii) lubricants; and
 - (iv) nonvolatile material;as temporary protective coatings.
 - (B) Machining where an aqueous cutting coolant continuously floods the machining interface.
 - (C) Degreasing operations that do not exceed one hundred forty-five (145) gallons per twelve (12) months except if subject to 326 IAC 20-6.
 - (D) Cleaners and solvents characterized as:
 - (i) having a vapor pressure equal to or less than two (2) kilo Pascals (fifteen (15) millimeters of mercury or three-tenths (0.3) pound per square inch) measured at thirty-eight (38) degrees Centigrade (one hundred (100) degrees Fahrenheit); or
 - (ii) having a vapor pressure equal to or less than seven-tenths (0.7) kilo Pascal (five (5) millimeters of mercury or one-tenth (0.1) pound per square inch) measured at twenty (20) degrees Centigrade (sixty-eight (68) degrees Fahrenheit);the use of which, for all cleaners and solvents combined, does not exceed one hundred forty-five (145) gallons per twelve (12) months.
 - (E) The following equipment related to manufacturing activities not resulting in the emission of HAPs as defined under Section 112(b) of the Clean Air Act:
 - (i) Brazing.
 - (ii) Cutting torches.
 - (iii) Soldering.
 - (iv) Welding.
 - (F) Closed loop heating and cooling systems.
 - (G) Infrared cure equipment.
 - (H) Exposure chambers (towers or columns), for curing of ultraviolet inks and ultraviolet coatings where heat is the intended discharge.
 - (I) Any of the following structural steel and bridge fabrication activities:
 - (i) Cutting two hundred thousand (200,000) linear feet or less of one (1) inch plate or equivalent.

- (ii) Using eighty (80) tons or less of welding consumables.
- (11) New sources or modifications of existing sources that consist of only activities associated with the following recovery systems:
 - (A) Rolling oil recovery systems.
 - (B) Ground water oil recovery wells.
- (12) New sources or modifications of existing sources that consist of only solvent recycling systems with batch capacity less than or equal to one hundred (100) gallons.
- (13) New sources or modifications of existing sources that consist of only the following water based activities:
 - (A) Activities associated with the treatment of wastewater streams with an oil and grease content less than or equal to one percent (1%) by volume.
 - (B) Water run-off ponds for petroleum coke-cutting and coke storage piles.
 - (C) Activities associated with the transportation and treatment of sanitary sewage, provided discharge to the treatment plant is under the control of the owner or operator, that is, an on-site sewage treatment facility.
 - (D) Any operation using aqueous solutions containing less than or equal to one percent (1%) by weight of VOCs excluding HAPs as defined under Section 112(b) of the Clean Air Act.
 - (E) Water-based adhesives that are less than or equal to five percent (5%) by volume of VOCs excluding HAPs as defined under Section 112(b) of the Clean Air Act.
 - (F) Noncontact cooling tower systems with either of the following:
 - (i) Natural draft cooling towers not regulated under a NESHAP.
 - (ii) Forced and induced draft cooling tower systems not regulated under a NESHAP.
 - (G) Quenching operations used with heat treating processes.
- Oil, grease, or VOC content shall be determined by a test method acceptable to the commissioner and the U.S. EPA.
- (14) New sources or modifications of existing sources that consist of only trimmers that do not produce fugitive emissions and that are equipped with a dust collection or trim material recovery device, such as a bag filter or cyclone.
- (15) New sources or modifications of existing sources that consist of only stockpiled soils from soil remediation activities that are covered and waiting transport for disposal.
- (16) New sources or modifications of existing sources that consist of only paved and unpaved roads and parking lots with public access.
- (17) New sources or modifications of existing sources that consist of only general construction activities not related to the construction of an emissions unit.
- (18) New sources or modifications of existing sources that consist of only conveyors as follows:
 - (A) Covered conveyors for solid raw material, including:
 - (i) coal or coke conveying less than or equal to three hundred sixty (360) tons per day; or
 - (ii) limestone conveying less than or equal to seven thousand two hundred (7,200) tons per day for sources other than mineral processing plants constructed after August 31, 1983.
 - (B) Uncovered coal or coke conveying less than or equal to one hundred twenty (120) tons per day.
 - (C) Underground conveyors.
 - (D) Enclosed systems for conveying plastic raw material and plastic finished goods.
- (19) New sources or modifications of existing sources that consist of only coal bunker and coal scale exhausts and associated dust collector vents.
- (20) New sources or modifications of existing sources that consist of only asbestos abatement projects regulated by 326 IAC 14-10.
- (21) New sources or modifications of existing sources that consist of only routine maintenance and repair of buildings, structures, or vehicles at the source where air emissions from those activities would not be associated with any production process, including the following:
 - (A) Purging of gas lines.
 - (B) Purging of vessels.
- (22) New sources or modifications of existing sources that consist of only flue gas conditioning systems and associated chemicals, such as the following:
 - (A) Sodium sulfate.
 - (B) Ammonia.
 - (C) Sulfur trioxide.
- (23) New sources or modifications of existing sources that consist of only equipment used to collect any material that might be released during a malfunction, process upset, or spill cleanup, including the following:

- (A) Catch tanks.
 - (B) Temporary liquid separators.
 - (C) Tanks.
 - (D) Fluid handling equipment.
- (24) New sources or modifications of existing sources that consist of only furnaces used for melting metals other than beryllium with a brim full capacity equal to or less than four hundred fifty (450) cubic inches by volume.
- (25) New sources or modifications of existing sources that consist of only activities associated with emergencies, including the following:
- (A) On-site fire training approved by the commissioner.
 - (B) Emergency generators as follows:
 - (i) Gasoline generators not exceeding one hundred ten (110) horsepower.
 - (ii) Diesel generators not exceeding one thousand six hundred (1,600) horsepower.
 - (iii) Natural gas turbines or reciprocating engines not exceeding sixteen thousand (16,000) horsepower.
 - (C) Stationary fire pump engines.
- (26) New sources or modifications of existing sources that consist of only grinding and machining operations controlled with fabric filters, scrubbers, mist collectors, wet collectors, and electrostatic precipitators with a design grain loading of less than or equal to three-hundredths (0.03) grain per actual cubic foot and a gas flow rate less than or equal to four thousand (4,000) actual cubic feet per minute, including the following:
- (A) Deburring.
 - (B) Buffing.
 - (C) Polishing.
 - (D) Abrasive blasting.
 - (E) Pneumatic conveying.
 - (F) Woodworking operations.
- (27) New sources or modifications of existing sources that consist of only purge double block and bleed valves.
- (28) New sources or modifications of existing sources that consist of only filter or coalescer media changeout.
- (29) New sources or modifications of existing sources that consist of only vents from ash transport systems not operated at positive pressure.
- (30) New sources or modifications of existing sources that consist of only mold release agents using low volatile products (vapor pressure less than or equal to two (2.0) kilo Pascals measured at thirty-eight (38) degrees Centigrade).
- (31) New sources or modifications of existing sources that consist of only farm operations.
- (32) New sources or modifications of existing sources that consist of only water-related activities, including the following:
- (A) Production of hot water for on-site personal use not related to any industrial or production process.
 - (B) Water treatment activities used to provide potable and process water for the plant, excluding any activities associated with wastewater treatment.
 - (C) Steam traps, vents, leaks, and safety relief valves.
 - (D) Cooling ponds.
 - (E) Laundry operations using only water solutions of bleach or detergents.
 - (F) Demineralized water tanks and demineralizer vents.
 - (G) Boiler water treatment operations, not including cooling towers.
 - (H) Oxygen scavenging (deaeration) of water.
 - (I) Steam cleaning operations and steam sterilizers.
 - (J) Pressure washing of equipment.
 - (K) Water jet cutting operations.
- (33) New sources or modifications of existing sources that consist of only ventilation, venting equipment, and refrigeration, including the following:
- (A) Ventilation exhaust, central chiller water systems, refrigeration, and air conditioning equipment not related to any industrial or production process, including natural draft hoods or ventilating systems that do not remove air pollutants.

(B) Stack and vents from plumbing traps used to prevent the discharge of sewer gases, handling domestic sewage only, excluding those at wastewater treatment plants or those handling any industrial waste.

(C) Vents from continuous emissions monitors and other analyzers.

(D) Natural gas pressure regulator vents, excluding venting at oil and gas production facilities.

(E) Air vents from air compressors.

(F) Vents for air cooling of electric motors provided the air does not commingle with regulated air pollutants.

(G) Vents from equipment used to air blow water from cooled plastics strands or sheets.

(34) New sources or modifications of existing sources that consist of only activities related to routine fabrication, maintenance, and repair of buildings, structures, equipment, or vehicles at the source where air emissions from those activities would not be associated with any commercial production process, including the following:

(A) Activities associated with the repair and maintenance of paved and unpaved roads, including paving or sealing, or both, of parking lots and roadways.

(B) Painting, including interior and exterior painting of buildings, and solvent use excluding degreasing operations utilizing halogenated organic solvents.

(C) Brazing, soldering, or welding operations and associated equipment.

(D) Portable blast-cleaning equipment with enclosures.

(E) Blast-cleaning equipment using water as the suspension agent and associated equipment.

(F) Batteries and battery charging stations, except at battery manufacturing plants.

(G) Lubrication, including:

(i) hand-held spray can lubrication;

(ii) dipping metal parts into lubricating oil; or

(iii) manual or automated addition of cutting oil in machining operations.

(H) Nonasbestos insulation installation or removal.

(I) Tarring, retarring, and repair of building roofs.

(J) Bead blasting of heater tubes.

(K) Instrument air dryer and filter maintenance.

(L) Manual tank gauging.

(M) Open tumblers associated with deburring operations in maintenance shops.

(35) New sources or modifications of existing sources that consist of only activities performed using hand-held equipment, including the following:

(A) Application of hot melt adhesives with no VOC in the adhesive formulation.

(B) Buffing.

(C) Carving.

(D) Cutting, excluding cutting torches.

(E) Drilling.

(F) Grinding.

(G) Machining wood, metal, or plastic.

(H) Polishing.

(I) Routing.

(J) Sanding.

(K) Sawing.

(L) Surface grinding.

(M) Turning wood, metal, or plastic.

(36) New sources or modifications of existing sources that consist of only housekeeping and janitorial activities and supplies, including the following:

(A) Vacuum cleaning systems used exclusively for housekeeping or custodial activities, or both.

(B) Steam cleaning activities.

(C) Rest rooms and associated clean-up operations and supplies.

(D) Alkaline or phosphate cleaners and associated equipment.

(E) Mobile floor sweepers and floor scrubbers.

(F) Pest control fumigation.

(37) New sources or modifications of existing sources that consist of only office-related activities, including the following:

(A) Office supplies and equipment.

(B) Photocopying equipment and associated supplies.

(C) Paper shredding.

- (D) Blueprint machines, photographic equipment, and associated supplies.
- (38) New sources or modifications of existing sources that consist of only lawn care and landscape maintenance activities and equipment, including the storage, spraying, or application of insecticides, pesticides, and herbicides.
- (39) New sources or modifications of existing sources that consist of only storage equipment and activities, including the following:
 - (A) Pressurized storage tanks and associated piping for the following:
 - (i) Acetylene.
 - (ii) Anhydrous ammonia.
 - (iii) Carbon monoxide.
 - (iv) Chlorine.
 - (v) Inorganic compounds.
 - (vi) Liquid petroleum gas (LPG).
 - (vii) Liquid natural gas (LNG) (propane).
 - (viii) Natural gas.
 - (ix) Nitrogen dioxide.
 - (x) Sulfur dioxide.
 - (B) Storage tanks, vessels, and containers holding or storing liquid substances that do not contain any VOC or HAP as defined under Section 112(b) of the Clean Air Act.
 - (C) Storage tanks, reservoirs, and pumping and handling equipment of any size containing soap, vegetable oil, grease, wax, animal fat, and nonvolatile aqueous salt solutions, provided appropriate lids and covers are utilized.
 - (D) Storage of drums containing maintenance raw materials.
 - (E) Storage of:
 - (i) castings;
 - (ii) lance rods; or
 - (iii) any non-HAP containing material in solid form stored in a sealed or covered container.
 - (F) Portable containers used for the collection, storage, or disposal of materials provided the container capacity is equal to or less than forty-six hundredths (0.46) cubic meter and the container is closed, except when the material is added or removed.
- (40) New sources or modifications of existing sources that consist of only emergency and standby equipment, including the following:
 - (A) Emergency (backup) electrical generators at residential locations, such as dormitories, prisons, and hospitals.
 - (B) Safety and emergency equipment except engine driven fire pumps, including fire suppression systems and emergency road flares.
 - (C) Process safety relief devices installed solely for the purpose of minimizing injury to persons or damage to equipment that could result from abnormal process operating conditions, including the following:
 - (i) Explosion relief vents, diaphragms, or panels.
 - (ii) Rupture discs.
 - (iii) Safety relief valves.
 - (D) Activities and equipment associated with on-site medical care not otherwise specifically regulated.
 - (E) Vacuum producing devices for the purpose of removing potential accidental releases.
- (41) New sources or modifications of existing sources that consist of only sampling and testing equipment and activities, including the following:
 - (A) Equipment used for quality control/assurance or inspection purposes, including sampling equipment used to withdraw materials for analysis.
 - (B) Hydraulic and hydrostatic testing equipment.
 - (C) Ground water monitoring wells and associated sample collection equipment.
 - (D) Environmental chambers not using HAP gases.
 - (E) Shock chambers.
 - (F) Humidity chambers.
 - (G) Solar simulators.
 - (H) Sampling activities, including:
 - (i) sampling of waste; or
 - (ii) glove box sampling, charging, and packaging.
 - (I) Instrument air dryers and distribution.
 - (J) VOC sampling activities associated with soil remediation projects.

(42) New sources or modifications of existing sources that consist of only use of consumer products and equipment where the product or equipment is used at a source in the same manner as normal consumer use and is not associated with any production process.

(43) New sources or modifications of existing sources that consist of only equipment and activities related to the handling, treating, and processing of animals, including the following:

(A) Equipment used exclusively to slaughter animals, but not including the following:

- (i) Rendering cookers.
- (ii) Boilers.
- (iii) Heating plants.
- (iv) Incinerators.
- (v) Electrical power generating equipment.

(B) Veterinary operating rooms and laboratories.

(44) New sources or modifications of existing sources that consist of only activities generating limited amounts of fugitive dust, including the following:

(A) Fugitive emissions related to movement of passenger vehicles, provided the emissions are not counted for applicability purposes as a major source under 326 IAC 2-7-1(22)(B), and any required fugitive dust control plan or its equivalent is submitted.

(B) Soil boring.

(C) Road salting and sanding.

(45) New sources or modifications of existing sources that consist of only activities associated with production, including the following:

(A) Closed, nonvented tumblers used for cleaning or deburring metal products without abrasive blasting.

(B) Electrical resistance welding.

(C) Carbon dioxide (CO₂) lasers, used only on metals and other materials that do not emit HAPs as defined under Section 112(b) of the Clean Air Act in the process.

(D) Laser trimmers that do not produce fugitive emissions and are equipped with a dust collection device such as a bag filter, cyclone, or equivalent device.

(E) Application equipment for hot melt adhesives with no VOC in the adhesive formulation.

(F) Drop hammers or hydraulic presses for forging or metalworking.

(G) Air compressors and pneumatically operated equipment, including hand tools.

(H) Compressor or pump lubrication and seal oil systems.

(I) Equipment used to mix and package soaps, vegetable oil, grease, animal fat, and nonvolatile aqueous salt solutions, provided appropriate lids and covers are utilized.

(J) Equipment for washing or drying fabricated glass or metal products, if no VOCs or HAPs as defined under Section 112(b) of the Clean Air Act are used in the process, and no gas, oil, or solid fuel is burned.

(K) Handling of solid steel, including coils and slabs, excluding scrap burning, scarfing, and charging into steel making furnaces and vessels.

(46) The following types of miscellaneous equipment and activities:

(A) Equipment used for surface coating, painting, dipping, or spraying operation, except those that will emit VOCs or HAPs as defined under Section 112(b) of the Clean Air Act.

(B) Condensate drains for natural gas and landfill gas.

(C) Electric or steam heated drying ovens and autoclaves, including only the heating emissions and not any associated process emissions.

(D) Salt baths using nonvolatile salts, including caustic solutions that do not result in emissions of any regulated air pollutants.

(E) Ozone generators.

(F) Portable dust collectors.

(G) Scrubber systems circulating water based solutions of inorganic salts or bases that are installed to be available for response to emergency situations.

(H) Soil borrow pits.

(I) Manual loading and unloading operations.

(J) Purging of refrigeration devices using a combination of nitrogen and CFC-22 (R-22) as pressure test media.

(K) Construction and demolition operations.

(L) Mechanical equipment gear boxes and vents that are isolated from process materials.

(M) Nonvolatile mold release waxes and agents.

This subdivision is not meant to describe emission units or activities associated with the miscellaneous equipment and activities that would otherwise require approval under this article.

(e) 326 IAC 2-7, 326 IAC 2-8, and 326 IAC 2-9 shall not apply to a source operating in compliance with the requirements of 326 IAC 2-10 or 326 IAC 2-11.

(f) 326 IAC 2-6.1 shall not apply to a source operating pursuant to one (1) of the following:

- (1) A Part 70 permit under 326 IAC 2-7.
- (2) A federally enforceable state operating permit (FESOP) under 326 IAC 2-8.
- (3) An operating agreement under 326 IAC 2-9.
- (4) A permit-by-rule under one (1) of the following rules:
 - (A) 326 IAC 2-10.
 - (B) 326 IAC 2-11.

(g) The requirements for an operating permit revision under 326 IAC 2-6.1-6, 326 IAC 2-7-12, or 326 IAC 2-8-11.1, modification approval under 326 IAC 2-7-10.5, or an administrative amendment under 326 IAC 2-7-11 or 326 IAC 2-8-10 shall not apply to the following modifications:

(1) A modification that has the potential to emit less than one (1) ton per year of a single hazardous air pollutant (HAP) as defined under Section 112(b) of the CAA or two and five-tenths (2.5) tons per year of any combination of HAPs.

(2) A modification at an existing source that consists only of changes in a method of operation, a reconfiguration of existing equipment or other minor physical changes, or a combination thereof, and that does not result in an increase in the potential to emit that:

- (A) exceeds the significance levels established in 326 IAC 2-2-1 when subject only to specific emission limits contained in this title;
- (B) exceeds the significance levels established in 326 IAC 2-3-1 when subject only to specific emission limits contained in this title;
- (C) is subject to 326 IAC 2-4.1 concerning new source toxics control;
- (D) is greater than or equal to fifteen (15) pounds per day of VOCs from an existing source in Lake or Porter County that has the potential to emit, as defined by 326 IAC 2-3-1(v), or actual emissions of twenty-five (25) tons per year;
- (E) is greater than or equal to twenty-five (25) pounds per day of NO_x from an existing source in Lake or Porter County that has the potential to emit, as defined by 326 IAC 2-3-1(v), or actual emissions of twenty-five (25) tons per year;
- (F) is greater than or equal to one (1) ton or more per year of lead or lead compounds measured as elemental lead and the source is:
 - (i) a primary lead smelter;
 - (ii) a secondary lead smelter;
 - (iii) a primary copper smelter;
 - (iv) a lead gasoline additive plant; or
 - (v) a lead-acid storage battery manufacturing plant that produces two thousand (2,000) or more batteries per day;

(G) is greater than or equal to five (5) tons or more per year of lead or lead compounds measured as elemental lead and the source is not listed in clause (F);

(H) is greater than or equal to six-tenths (0.6) ton per year, for a source of lead emissions with a potential to emit greater than or equal to five (5) tons per year;

(I) is an emissions increase of VOC or NO_x subject to 326 IAC 2-3-2(b)(2) or 326 IAC 2-3-2(b)(3) at an existing source in Lake or Porter County that emits or has the potential to emit twenty-five (25) tons per year of VOC or NO_x;

(J) is greater than or equal to fifteen (15) tons per year particulate matter with an aerodynamic diameter less than or equal to ten (10) micrometers (PM₁₀); or

(K) is subject to the provisions of 326 IAC 8-1-6 that has not previously been subject to review in accordance with 326 IAC 8-1-6.

(3) Temporary operations and experimental trials that involve construction, reconstruction, or modification and that meet the following criteria:

(A) The potential emissions from the construction or reconstruction of a facility or source or the potential emissions increase from the modification are less than twenty-five (25) tons for the duration of the operation.

(B) The construction, reconstruction, or modification is not a major source or modification as defined by 326 IAC 2-2, 326 IAC 2-3, or 326 IAC 2-7.

(C) The purpose of the construction, reconstruction, or modification is to:

- (i) collect data for experimental purposes, including, but not limited to, process improvements, new product development, and pollution prevention; or
- (ii) temporarily conduct an operation not considered part of the normal operation or production of the facility or source.

(D) The duration of the temporary operation or experimental trial is less than thirty (30) days of total operating time.

(E) If the construction, reconstruction, or modification is part of a soil or water remediation project, the duration of the project is less than twenty-four (24) hours or a greater period, not to exceed seventy-two (72) hours, as determined to be necessary by the department considering the nature of the project or the manner of testing, and the purpose of the project is to identify parameters necessary to design the remediation effort.

(F) If the construction, reconstruction, or modification would otherwise require a modification approval or operating permit revision, the owner or operator shall provide the department written notice of the proposed construction, reconstruction, or modification at least seven (7) days before beginning the construction, reconstruction, or modification. The notice shall contain the following information:

- (i) A description of the purpose of the construction, reconstruction, or modification.
- (ii) A description of how the construction, reconstruction, or modification is experimental or not part of the normal operation or production of the facility or source.
- (iii) The dates the owner or operator anticipates the construction, reconstruction, or modification to begin, operations to begin, and operations to cease.
- (iv) An estimate of the potential emissions and actual emissions increase resulting from the construction or reconstruction.
- (v) The equipment involved in the construction, reconstruction, or modification.

(G) If the construction, reconstruction, or modification would otherwise require a modification approval or operating permit revision, the owner or operator shall provide the department written notice of the proposed construction, reconstruction, or modification at most seven (7) days after concluding the temporary operation or experimental trial. The notice shall contain the following information:

- (i) The actual start date of the construction, reconstruction, or modification.
- (ii) The duration of the temporary operation or experimental trial.
- (iii) The actual emissions occurring during the temporary operation or experimental trial.

(H) The exemption provided by this subdivision shall not apply to facilities or sources whose operations are experimental in nature, part of pilot plants, or characterized by frequent product changes.

(Air Pollution Control Board; 326 IAC 2-1.1-3; filed Nov 25, 1998, 12:13 p.m.: 22 IR 982; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3105)